

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Joseph C. Campbell,)	Civil Action No. 1:10-cv-973-RMG
	Petitioner,)
)	
v.)	ORDER
)	
State of South Carolina,)	
	Respondent,)
)	

In this case, Petitioner filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On August 8, 2011, this Court issued an Order adopting the Report and Recommendation of the Magistrate Judge and granting Respondent's motion for summary judgment. Rule 11(a) of the rules governing Section 2254 cases requires this Court to "issue or deny a certificate of appealability when it enters a final order adverse to the applicant." However, the Court inadvertently failed to issue or deny a certificate of appealability upon entering its Order on August 8, 2011.

The governing law provides that:

- (c)(2) A certificate of appealability may issue . . . only if the applicant has made a substantial showing of the denial of a constitutional right.
- (c)(3) The certificate of appealability . . . shall indicate which specific issue or issues satisfy the showing required by paragraph (2).

28 U.S.C. § 2253(c). A prisoner satisfies this standard by demonstrating that reasonable jurists would find this court's assessment of his constitutional claims debatable or wrong and that any dispositive procedural ruling by the district court is likewise debatable. *See Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); *Rose v. Lee*, 252 F.3d 676, 683 (4th Cir. 2001). In this case, the legal standard for the issuance of a certificate of appealability

has not been met. Therefore, a certificate of appealability is **denied**.

AND IT IS SO ORDERED.



Richard Mark Gergel
United States District Court Judge

September 23, 2011
Charleston, South Carolina